Justice Committee

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

Written submission from Jordan Trindade

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

Yes, 1) The bill itself unfairly incriminates football supporters that could be charged under current legislation. 2) The Bill has been a failure with a very high rate of those being arrested actually being found not guilty in court.

2. Did you support the original legislation?

No.

3. Do you consider that other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football which leads to public disorder? If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?

Yes, common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010; As previously mentioned, there is sufficient legislation in place that deals with offensive behaviour which ultimately leads to public disorder.

4. Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or travelling to or from football matches, which may not be criminalised in other settings?

A crime committed on the street or in a football ground should be dealt with the same legislation. It is inadequate to have legislation that singles out football fans.

5. Do you consider that other existing provisions of criminal law are sufficient to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred? If so, could you specify the criminal law provisions? Or does repeal of section 6 risk creating a gap in the criminal law?

Section 6 has rarely been used since it was enacted. Police and prosecutors regularly use other forms of legislation, for example, Communications Act 2003.

6. Do you have a view on the proposed transitional arrangements in the Bill: that there should be no further convictions for section 1 and 6 offences from the date on which the repeal of those offences takes effect; and that the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?
This legislation should be dropped with immediate effect, those who are currently awaiting court appearance should have their cases dropped and finally those who have been found guilty under this legislation should have their charges quashed.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

None whatsoever

Jordan Trindade
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